

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

VIKASH YADAV,
a/k/a "Vikas,"
a/k/a "Amanat," and

NIKHIL GUPTA,
a/k/a "Nick,"

Defendants.

**SEALED SUPERSEDING
INDICTMENT**

S2 23 Cr. 289 (VM)

BACKGROUND

Overview

1. Beginning in approximately May 2023, VIKASH YADAV, a/k/a "Vikas," a/k/a "Amanat," the defendant ("YADAV"), an employee of the Government of India, working together with others in India and elsewhere, including NIKHIL GUPTA, a/k/a "Nick," the defendant ("GUPTA"), directed a plot to assassinate, on U.S. soil, an attorney and political activist, who is a U.S. citizen of Indian origin residing in New York City (the "Victim"). The Victim is a vocal critic of the Government of India and leads a U.S.-based organization that advocates for the secession of Punjab, a state in northern India that is home to a large population of Sikhs, an ethnoreligious minority group in India. The Victim has publicly called for some or all of Punjab to secede from India and establish a Sikh sovereign state called Khalistan, and the Government of India has banned the Victim and his separatist organization from India. U.S. law enforcement detected and disrupted the plot to murder the Victim.

2. During times relevant to this Superseding Indictment, YADAV was employed by the Cabinet Secretariat of the Government of India, which houses India's foreign intelligence

service, the Research and Analysis Wing (“RAW”). YADAV has described his position as a “Senior Field Officer” with responsibilities in “Security Management” and “Intelligence.” He also has served in India’s Central Reserve Police Force, India’s largest paramilitary force. YADAV used “Amanat” as an alias, resided in India, and directed the assassination plot from India.

3. In or about May 2023, YADAV recruited GUPTA to orchestrate the assassination of the Victim in the United States. GUPTA, an Indian national who also resides in India, is an associate of YADAV and has described his involvement in international narcotics and weapons trafficking in his communications with YADAV and others.

4. At YADAV’s direction, GUPTA contacted an individual whom GUPTA believed to be a criminal associate, but who was in fact a confidential source working with U.S. law enforcement (the “CS”), for assistance in contracting a hitman to murder the Victim in New York City. The CS introduced GUPTA to a purported hitman, who was in fact an undercover U.S. law enforcement officer (the “UC”). YADAV subsequently agreed, in dealings brokered by GUPTA, to pay the UC \$100,000 to murder the Victim. On or about June 9, 2023, YADAV and GUPTA arranged through an associate of YADAV for the delivery of \$15,000 in cash to the UC in Manhattan, New York, as an advance payment for the murder.

5. In or about June 2023, in furtherance of the assassination plot, YADAV provided GUPTA with personal information about the Victim—including the Victim’s home address in New York City, phone numbers associated with the Victim, and details about the Victim’s day-to-day conduct—which GUPTA then passed to the UC. YADAV directed GUPTA to provide regular updates on the progress of the assassination plot. GUPTA complied by forwarding to YADAV, among other things, surveillance photographs of the Victim that the UC had sent to GUPTA. GUPTA directed the UC to carry out the murder as soon as possible, but GUPTA also specifically

instructed the UC not to commit the murder around the time of the Indian Prime Minister's official state visit to the United States, which was scheduled to begin on or about June 20, 2023.

6. On or about June 18, 2023, approximately two days before the Indian Prime Minister's state visit to the United States, masked gunmen murdered Hardeep Singh Nijjar outside a Sikh temple in British Columbia, Canada. Nijjar was an associate of the Victim, and like the Victim, was a leader of the Sikh separatist movement and an outspoken critic of the Government of India. Later that evening, just hours after the Nijjar murder, YADAV sent GUPTA a video clip that showed Nijjar's bloody body slumped in his (Nijjar's) vehicle; about an hour later, YADAV sent GUPTA the street address of the Victim's residence in New York City. On or about June 19, 2023, the day after the Nijjar murder, GUPTA told the UC that Nijjar "was also the target" and "we have so many targets."¹ GUPTA added that, in light of Nijjar's murder, there was "now no need to wait" to kill the Victim. On or about June 20, 2023, YADAV sent GUPTA a news article about the Victim and messaged GUPTA, "[i]t's [a] priority now."

7. On or about June 30, 2023, GUPTA was arrested in the Czech Republic at the request of the United States in connection with his participation in the plot to murder the Victim.

Background on YADAV

8. YADAV is a citizen and resident of India. During times relevant to this Superseding Indictment, YADAV was employed by the Government of India's Cabinet Secretariat, which is a part of the Indian Prime Minister's Office. RAW is an arm of the Cabinet Secretariat. YADAV

¹ GUPTA and the UC communicated in English. GUPTA and the CS communicated in English with occasional Spanish phrases. GUPTA and YADAV largely communicated in English, and GUPTA sometimes left YADAV voice notes in Hindi. All communications are described in substance and in part, and are based on draft transcriptions and (where necessary) English translations. Grammatical and typographical errors appear as in the original communications unless otherwise indicated.

has described his position as “Senior Field Officer,” with responsibilities in “Security Management” and “Intelligence,” and has listed his employer’s address as the CGO Complex in New Delhi, which is where RAW is headquartered.

9. YADAV has also served in the Central Reserve Police Force, India’s largest paramilitary force. YADAV has described his position there as an “Assistant Commandant,” with command of a 135-man company. YADAV has reported receiving “[c]ounter [i]ntelligence,” “battle craft,” “weapons,” and “paratrooper” training. Below is a photograph of YADAV in military fatigues:



YADAV Recruits GUPTA to Arrange the Victim’s Murder

10. Beginning in or about early May 2023, in a series of telephonic and electronic communications between YADAV and GUPTA over encrypted applications, YADAV asked

GUPTA to arrange the murder of the Victim in exchange for YADAV's assistance in securing the dismissal of a criminal case against GUPTA in India. GUPTA agreed to orchestrate the assassination. In addition to their electronic communications, GUPTA also met YADAV in-person in New Delhi in furtherance of the plot.

11. On or about May 6, 2023, at the outset of their conversation over a particular encrypted messaging application, YADAV wrote GUPTA: "This is Vikas... Save my name as Aman." GUPTA saved the telephone number on GUPTA's phone as "Amanat." A few minutes later, YADAV messaged GUPTA that YADAV had a "target in New York" and another target in "California." GUPTA replied: "We will hit our all Targets." The telephone number used by YADAV has an India country code and is registered to an email account that, based on Internet Protocol data, accessed the Internet on numerous occasions during the period of the murder plot from the vicinity of New Delhi.

12. On or about May 12, 2023, YADAV notified GUPTA that his criminal case "has already been taken care of," and that "nobody from Gujrat police is calling."² On or about May 23, 2023, YADAV again assured GUPTA that YADAV had "spoke[n] with the boss about your Gujarat [case]," that it was "all clear," and "nobody will ever bother you again." YADAV further offered to arrange a meeting between GUPTA and a "DCP," which is an acronym used in India for Deputy Commissioner of Police.

13. Following YADAV's assurances, GUPTA pressed forward to arrange the murder. On or about May 29, 2023, GUPTA asked the CS by phone if the CS knew anyone who would be willing to carry out a murder-for-hire in the United States. GUPTA explained that the intended

² Gujarat is a state in western India.

victim was a lawyer who split time between New York City and another U.S. city ("U.S. City-1"). The CS responded that he would reach out to his contacts.

14. Over the ensuing weeks, GUPTA engaged in a series of electronic and recorded communications with the CS and later the UC, including by phone, video, and text message, during which they discussed, among other things, the logistics and price of the murder. For example, during a video call, GUPTA reminded the CS that the Victim worked as a lawyer and suggested that the CS's associates could contact the Victim under the guise of obtaining legal advice in order to lure the Victim to a place where he could be more easily executed. GUPTA also directed the CS to a website where the CS could find New York and U.S. City-1 addresses for the Victim's offices. On or about May 29, 2023, GUPTA messaged the CS the Victim's name and other information about the Victim, and advised that the Victim spent most of his time in New York. In response, the CS asked GUPTA for additional information about the Victim and details about payment for the murder.

15. On or about May 29, 2023, GUPTA sent screenshots to YADAV of GUPTA's text messages with the CS, in which the CS requested details about the Victim and about payment for killing the Victim. YADAV responded that "we are ready to pay \$150000... the offer will go higher depending upon the quality of the work...and if it's done as soon as possible," referring to the murder ("the work") and executing the plot quickly. GUPTA replied to YADAV with a screenshot of the CS requesting "100 k." YADAV responded "Ok," and then added that while an advance payment was not possible, "the whole money will be paid with in [sic] 24 hours after the work is done." On or about June 1, 2023, YADAV sent GUPTA the street address for the Victim's home in New York City, which YADAV described to GUPTA as "the locality of [the Victim's] House."

16. On or about June 2, 2023, YADAV messaged GUPTA, asking for “any update” on the murder plot, stating “[i]t’s important and less time.” GUPTA responded that he expected to have an update the following day. The next day, on or about June 3, 2023, GUPTA spoke with the CS by audio call, and urged the CS to have his associates carry out the murder soon, stating: “finish him brother, finish him, don’t take too much time . . . push these guys, push these guys . . . , finish the job.” GUPTA directed the CS to a particular cellphone application that records Global Positioning System (“GPS”) coordinates and enables the user to take photographs (the “GPS Application”). YADAV had previously sent GUPTA the GPS Application on or about May 25, 2023. GUPTA then asked the CS to have the CS’s associates in New York use the GPS Application to transmit surveillance of the Victim. Later that day, GUPTA messaged YADAV that GUPTA had “spoke[n] with the NY group” and “told them they have to discharge [the Victim] as soon as possible.” On or about June 4, 2023, GUPTA again spoke with the CS by audio call, and promised the CS that “if this job is done successfully” then GUPTA would “bring the chief” to meet the CS. GUPTA further noted that GUPTA would be speaking with those directing the murder.

YADAV and GUPTA Make an Advance Payment for the Murder

17. As their plotting continued, and YADAV and GUPTA sought to orchestrate the assassination as soon as possible, YADAV and GUPTA offered to make an upfront cash payment to the CS for the murder. As set forth below, YADAV and GUPTA arranged, through YADAV’s network of associates, the payment of \$15,000 in cash to the UC in Manhattan, as an advance payment for the murder of the Victim.

18. On or about June 4, 2023, the CS sent GUPTA a purported surveillance photograph of the Victim taken using the GPS Application (the “Surveillance Photo”). The CS represented to

GUPTA via text message that the Surveillance Photo was proof that the CS's New York associates were monitoring the Victim, and that the Victim would be killed as soon as they received an advance payment of \$25,000. On or about June 5, 2023, GUPTA sent the Surveillance Photo and a screenshot of the CS's messages to YADAV. GUPTA asked YADAV to "check with [his] NY dealer if he can arrange the 25k [payment] there."

19. On or about June 6, 2023, GUPTA messaged the CS asking to be put directly in touch with the CS's New York associates who would receive the advance payment and carry out the murder of the Victim. In response, the CS introduced GUPTA through electronic messages to the UC, who was purporting to be the CS's associate in New York. That same day, GUPTA sent screenshots to YADAV of GUPTA's messages with the CS discussing the advance payment and introducing the UC. YADAV replied "Ok bhai ji."³

20. On or about June 7, 2023, GUPTA messaged YADAV that GUPTA's associate did not have the funds available in New York to make the advance payment, and asked that YADAV check with his contact. GUPTA added that he could "pay here in Delhi also." The next day, on or about June 8, 2023, YADAV replied to GUPTA with the name of an associate ("Individual-1"), and a phone number for Individual-1 with an Indian country code.

21. On or about June 9, 2023, YADAV messaged GUPTA, "Bhai ji I guess you are in communication with [Individual-1], he said payment will be made today positively.. Let's activate the team and get it done this weekend," referring to executing the murder of the Victim during the ensuing weekend. GUPTA responded in the affirmative. Approximately two hours later, GUPTA informed the UC by text message and voice note that another associate ("Individual-2") would call GUPTA to arrange the delivery by noon that day of the "parcel," meaning the advance cash

³ "Bhai ji" is a respectful Hindi term for "brother."

payment for the murder (the “Advance Payment”). A few minutes later, Individual-2 called the UC and stated that Individual-2 had \$15,000 for the UC.

22. Later, on or about June 9, 2023, Individual-2 met with the UC in Manhattan to make the Advance Payment. During the meeting, which took place in the UC’s vehicle, the UC called GUPTA and facilitated a video call between GUPTA and Individual-2, during which GUPTA and Individual-2 discussed, among other things, GUPTA’s location in India. Individual-2 then handed \$15,000 in cash to the UC. A still image of the Advance Payment is shown below.



23. On or about June 10, 2023, GUPTA sent to YADAV screenshots of GUPTA’s text message conversations with the CS and the UC, in which both confirmed that the Advance Payment had been made. YADAV responded, “Ok bhai ji.”

YADAV and GUPTA Instruct That the Murder Should Not Occur During the Indian Prime Minister's State Visit to the United States

24. As they plotted the murder of the Victim, GUPTA specifically and repeatedly instructed the CS not to carry out the assassination during the Indian Prime Minister's visit to the United States, which was scheduled to begin in late June. For example, on or about June 6, 2023, on an audio call, GUPTA advised the CS that "our prime minister Modi is visiting America on 20th so at least we need to calm down everything 10 days . . . so at the time of our prime minister visit, it's not good." GUPTA explained that, given the Victim's public profile as an activist, there could be protests in the wake of his death, which could lead to "political things," referring to geopolitical fallout if the Victim were assassinated on U.S. soil while the Indian Prime Minister was on an official state visit to the United States. GUPTA added that "our prime minister will be there for three days, 20, 21, 22," and "after that they have more jobs, more jobs," referring to more targeted killings like that of the Victim to be carried out after the conclusion of the Indian Prime Minister's visit.

25. Consistent with the instructions that GUPTA later relayed to the CS, YADAV instructed GUPTA not to carry out the assassination of the Victim in the immediate lead-up to, or during, the Indian Prime Minister's visit to the United States. For example, on or about June 11, 2023, after receiving from GUPTA additional purported surveillance photographs of the Victim, YADAV messaged Gupta: "It looks promising.. but we have today only.. if it doesn't happen today it will be done after 24th," that is, after the Prime Minister's expected departure from the United States.

GUPTA Informs the CS and the UC that His India-Based Co-Conspirators Directing the Murder Plot Were Targeting Other Victims, Including in Canada

26. During GUPTA's communications with the CS and the UC, GUPTA repeatedly emphasized that his co-conspirators directing the assassination plot from India had extensive

resources and were closely monitoring the progress of the plotting. For example, on or about June 12, 2023, the UC received a video call from GUPTA, who appeared to be in a conference room. During the call, GUPTA turned the camera toward approximately three other men in the room who were dressed in business attire, sitting around a conference table with GUPTA. As GUPTA turned the camera back toward himself, he told the UC “we are all counting on you.” Approximately two days later, on or about June 14, 2023, GUPTA messaged the UC that GUPTA had a “m[essage] from our friends for you brother.” GUPTA then forwarded a message that GUPTA had received from YADAV, stating: “follow [the Victim] till the time he enters his house or any other final place.”

27. GUPTA also informed the CS and the UC that after the murder of the Victim, GUPTA’s confederates would provide the CS and the UC with additional victims to kill. For example, on or about June 9, 2023, GUPTA told the CS during a call that the murder of the Victim would change the UC’s life because “we will give more bigger job more, more job every month, every month 2-3 job.”

28. On or about June 12, 2023, on a call with the CS, GUPTA stated that there was a “big target” in Canada. A few days later, on or about June 14, 2023, GUPTA messaged the CS that “we will be needing one good team in Canada also, [t]omorrow I will share you the details.” The following day, on or about June 15, 2023, GUPTA advised the CS by phone that GUPTA was still “waiting [for] the details” about the Canadian target. On or about June 16, 2023, on another call with the CS, GUPTA told the CS that “we are doing their job, brother. We are doing their New York [and] Canada [job],” referring to the individuals directing the targeting plots from India.

Nijjar Is Murdered in Canada, and YADAV and GUPTA Accelerate the Plan to Kill the Victim in New York City

29. On or about June 18, 2023, masked gunmen shot and killed Nijjar, an associate of the Victim and another leader of the Sikh separatist movement, outside a Sikh temple in Canada. Later that evening, YADAV sent GUPTA a video clip showing Nijjar's bloody body slumped in his (Nijjar's) vehicle. GUPTA replied that he wished he had personally conducted the killing and asked YADAV for permission to "go to the field." YADAV responded that "secrecy [is] important," and "[i]t's better you do not get involved in action." Approximately one hour later, YADAV sent GUPTA the street address of the Victim's residence in New York City.

30. GUPTA forwarded the video clip showing Nijjar's bloody body to the CS and the UC minutes after receiving it from YADAV. Soon after, on or about June 19, 2023, GUPTA spoke with the UC by audio call, and GUPTA told the UC that Nijjar "was also the target" but that Nijjar was "#4, #3" on the list, and "not to worry [because] we have so many targets, we have so many targets. But the good news is this, the good news is this: now no need to wait." Separately, GUPTA also held an audio call with the CS, during which GUPTA confirmed that Nijjar was the target that GUPTA had previously mentioned as the potential Canadian "job" stating: "This is the guy, I send you the video. . . . We didn't give to [the UC] this job, so some other guy did this job . . . in Canada." In a change from his prior instruction to delay killing the Victim until after the Indian Prime Minister's visit, GUPTA told the CS that the UC should kill the Victim as soon as possible, informing the CS that "we got the go-ahead to go anytime, even today, tomorrow—as early as possible. [The UC] has to finish this job, brother." GUPTA also told the CS to expect the Victim to be more careful in the wake of the Nijjar murder: "He will be more cautious, because in Canada, his colleague is down. His colleague is down. I sent you the video. So he will be more cautious,

so we should not give them the chance, any chance.” GUPTA added: “If he is not alone, [if] there are two guys with him in the meeting or something . . . put everyone down, put everyone down.”

31. The following day, on or about June 20, 2023, YADAV sent GUPTA a news article about the Victim. YADAV then messaged: “It’s [a] priority now.” Shortly thereafter, GUPTA spoke to the CS by audio call, and GUPTA directed the CS to “find the opportunity” to kill the Victim and to “do it quickly.” GUPTA stated that before the “29th [of June] we have to finish four jobs,” *i.e.*, the Victim and, after that, “three in Canada.”

YADAV and GUPTA Continue Working to Orchestrate the Victim’s Murder

32. After the Nijjar murder in Canada, GUPTA demanded rapid updates from the UC on the progress of the plot to murder the Victim, which GUPTA then reported to YADAV. GUPTA simultaneously relayed intelligence on the Victim’s whereabouts from YADAV to the UC. At one point, on or about June 22, 2023, YADAV messaged GUPTA that the Victim “is somewhere else,” that “[h]e is not at home,” and that YADAV “got the message from boss.” GUPTA immediately attempted to call the UC. When the call went unanswered, GUPTA messaged the UC that the Victim “is not at home according to our sources . . . [m]ake sure his presence before entering inside.” A few minutes later, YADAV messaged GUPTA, instructing: “let them also verify by their own... if they are able to get some proof that he is inside..it will be a go ahead from us,” a reference to giving the green light to assassinate the Victim as soon as it could be verified that he was at his residence.

33. On or about June 24, 2023, YADAV messaged GUPTA that “today we must get the App based location pic,” referring to obtaining surveillance of the Victim using the GPS Application. YADAV explained that “[n]ow it’s a clear go ahead..we will also be able to help your team if they are sending location.” Consistent with YADAV’s instruction, GUPTA messaged the UC and directed the UC to transmit “[p]ictures only through the application.” On or about June

25, 2023, the UC sent GUPTA a series of photographs of the vicinity of the Victim's residence and neighborhood, which bore GPS coordinate stamps from the GPS Application. GUPTA, in turn, sent portions of the photographs to YADAV. The next day, on or about June 26, 2023, YADAV replied to GUPTA: "Excellent . . . [t]hey are proving that they are quite serious now." YADAV added that "[t]he coming 24 hours will be crucial," that the Victim "will definitely come to either home or office," and that GUPTA should tell the UC "to be ready for both the locations." GUPTA relayed YADAV's instruction, directing the UC to "keep eyes at his house, his office and the cafe he used to visit."

34. Also on or about June 26, 2023, the UC sent GUPTA another series of photographs of the Victim's neighborhood taken using the GPS Application. GUPTA transmitted portions of the photographs to YADAV, who then provided GUPTA with a total of four "[o]ffice" and "[p]ersonal" telephone numbers of the Victim. On or about June 29, 2023, GUPTA messaged the UC that "[w]e have the Intel that the [Victim] . . . has arrived back to his home" and "[t]oday he should come out definitely." GUPTA instructed the UC to carry out the murder, stating: "[t]ry to get this done if you have the visuals and if you are sure."

GUPTA Is Arrested in the Czech Republic

35. On or about June 30, 2023, GUPTA traveled from India to the Czech Republic. Upon his arrival in the Czech Republic, GUPTA was arrested by Czech law enforcement authorities at the request of the United States, in connection with his participation in the plot to assassinate the Victim. GUPTA was subsequently extradited to the United States.

STATUTORY ALLEGATIONS

COUNT ONE

(Murder-for-Hire Conspiracy)

The Grand Jury charges:

36. The allegations contained in paragraphs 1 through 34 of this Superseding Indictment are repeated and realleged as if fully set forth herein.

37. From at least in or about May 2023 through at least in or about June 2023, in the Southern District of New York, India, and elsewhere, VIKASH YADAV, a/k/a “Vikas,” a/k/a “Amanat,” and NIKHIL GUPTA, a/k/a “Nick,” the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to travel in and cause another person to travel in interstate and foreign commerce, and to use and cause another person to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, YADAV, GUPTA, and others worked together to carry out a plot directed from India to hire hitmen to assassinate the Victim in the United States, used cellphones to communicate in furtherance of the scheme, and arranged for the delivery of a \$15,000 advance cash payment for the murder in Manhattan, New York.

(Title 18, United States Code, Section 1958.)

COUNT TWO

(Murder-for-Hire)

The Grand Jury further charges:

38. The allegations contained in paragraphs 1 through 34 of this Superseding Indictment are repeated and realleged as if fully set forth herein.

39. From at least in or about May 2023 through at least in or about June 2023, in the Southern District of New York, India, and elsewhere, VIKASH YADAV, a/k/a “Vikas,” a/k/a “Amanat,” and NIKHIL GUPTA, a/k/a “Nick,” the defendants, and others known and unknown, traveled in and caused another person to travel in interstate and foreign commerce, and used and caused another person to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, and aided and abetted the same, to wit, YADAV, GUPTA, and others worked together to carry out a plot directed from India to hire hitmen to assassinate the Victim in the United States, used cellphones to communicate in furtherance of the scheme, and arranged for the delivery of a \$15,000 advance cash payment for the murder in Manhattan, New York.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT THREE
(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

40. The allegations contained in paragraphs 1 through 34 of this Superseding Indictment are repeated and realleged as if fully set forth herein.

41. From at least in or about May 2023 through at least in or about June 2023, in the Southern District of New York, India, and elsewhere, VIKASH YADAV, a/k/a “Vikas,” a/k/a “Amanat,” and NIKHIL GUPTA, a/k/a “Nick,” the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed, together and with each other, to commit money laundering, in violation of Title 18, United States Code, Section 1956(a)(2)(A).

42. It was a part and an object of the conspiracy that VIKASH YADAV, a/k/a “Vikas,”

a/k/a “Amanat,” and NIKHIL GUPTA, a/k/a “Nick,” the defendants, and others known and unknown, would and did transport, transmit, and transfer, and attempt to transport, transmit, and transfer, a monetary instrument and funds from a place in the United States to and through a place outside the United States and to a place in the United States from and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, to wit, acts indictable under Title 18, United States Code, Section 1958, in violation of Title 18, United States Code, Section 1956(a)(2)(A).

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATIONS

43. As a result of committing the offenses alleged in Counts One and Two of this Superseding Indictment, VIKASH YADAV, a/k/a “Vikas,” a/k/a “Amanat,” and NIKHIL GUPTA, a/k/a “Nick,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

44. As a result of committing the offense alleged in Count Three of this Superseding Indictment, VIKASH YADAV, a/k/a “Vikas,” a/k/a “Amanat,” and NIKHIL GUPTA, a/k/a “Nick,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property

traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense.

Substitute Assets Provision

45. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

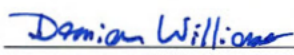
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



DAMIAN WILLIAMS
United States Attorney